

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO

IN RE

DIANA LIZ LAUREANO CORDOVA

DEBTOR(S)

CASE NO. 16-03450-MCF

CHAPTER: 13

**MOTION REQUESTING DISMISSAL**

**TO THE HONORABLE COURT:**

Comes now, **RELIABLE AUTO**, a division of Popular Auto LLC, holder of a secured claim and MOVANT, through its undersigned counsel, and very respectfully to the Honorable Court, alleges and prays as follows:

1. Movant is the holder in due course of a duly executed conditional sales contract over motor vehicle MITSU MIRAGE 2015 registered under number 1167, executed by debtor(s) on OCTOBER 16, 2014.

2. Debtor(s) filed the instant bankruptcy petition under Chapter 13 on APRIL 29, 2016.

3. Debtor's (s') Chapter 13 Plan was confirmed on JULY 11, 2016. According to said Plan, debtor (s) will pay directly to Movant the post –petition payments of the vehicle describe in averment number 1.

4. However, debtor(s) has (have) breached the aforementioned Plan proposal. As of today's date debtor(s) shows **TWO(2) post-petition arrears on monthly installments corresponding to the months of July and August, 2018 for a total amount of post-petition installments due of \$762.30.**

5. Section 1307 (c)(6) of the Bankruptcy Code (11 USC Section 1307 (c)(6)) provides for the dismissal of a case under Chapter 13 for "material default by the debtor with respect to a term of a Confirmed Plan."

6. The situation above explained is effectively causing undue prejudice to Movant's rights as a holder of a secured claim.

7. Therefore, according to Section 1307 (c)(1)(supra) debtor's(s') unreasonable delay which is prejudicial to creditor, is sufficient cause to warrant the dismissal of debtors' bankruptcy petition.

**WHEREFORE**, it is respectfully requested from the Honorable Court to order the

dismissal of the instant bankruptcy petition according to the aforementioned bankruptcy disposition.

**NOTICE**

Within thirty (30) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

**CERTIFICATE OF SERVICE**

I hereby certify that the present motion was filed electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the **JOSE R. CARRION**, Trustee and **ROBERTO A. FIGUEROA COLON**, Debtor(s) Attorney and that we have sent copy of this document through regular mail to Debtor(s) **DIANA LIZ LAUREANO CORDOVA,, HC 70 BOX 25994 SAN LORENZO, PR 00754** and to all non CM/ECF participants interested as per mailing list which is hereby included.

**RESPECTFULLY SUBMITTED,**

In San Juan, Puerto Rico this 29<sup>th</sup> day AUGUST, 2018.

**/S/ CARLOS E. PEREZ PASTRANA**  
**USDC-208913**  
Attorney for Movant  
PO BOX 21382  
SAN JUAN, PR 00928-1382  
TEL. 787-625-6645 FAX: 787-625-4891  
[cperezp@reliablefinancial.com](mailto:cperezp@reliablefinancial.com)

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

**IN RE:**

**DIANA LIZ LAUREANO CORDOVA**

**DEBTOR(S)**

**CASE NO 16-03450-MCF**

**CHAPTER 13**

**MOTION SUBMITTING DECLARATION  
UNDER PENALTY OF PERJURY**

Comes now, RELIABLE AUTO, A DIVISION OF POPUAR AUTO LLC holder of a secured claim and Creditor herein and submitting to the Honorable Court the following declaration:

I, **FELIPE MARRERO CLEMENTE**, **Administrative Coordinator** for RELIABLE AUTO, declare under penalty of perjury, the following:

That according to the enclosed certification, provided by Department of Defense Manpower Data Center (DMDC), debtor(s) is(are) not on active military duty nor in the military service and does not fall within the Service Member Civil Relief Act of 2003.

**RESPECTFULLY SUBMITTED.**

In San Juan, Puerto Rico, this 20 day of AUGUST, 2018.

**S/FELIPE A. MARRERO CLEMENTE**  
**ADMINISTRATIVE COORDINATOR**  
P. O. Box 21382  
San Juan, PR 00928-1382  
Tel: (787)625-6717 Fax: (787)625-4891  
[fmarreroc@reliableauto.com](mailto:fmarreroc@reliableauto.com)



Status Report  
 Pursuant to Servicemembers Civil Relief Act

SSN: XXX-XX-8069  
 Birth Date:  
 Last Name: LAUREANO CORDOVA  
 First Name: DIANA  
 Middle Name: LIZ  
 Status As Of: Aug-20-2018  
 Certificate ID: TNYFW6J02Y53SF2

On Active Duty On Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects the individuals' active duty status based on the Active Duty Status Date			

Left Active Duty Within 367 Days of Active Duty Status Date			
Active Duty Start Date	Active Duty End Date	Status	Service Component
NA	NA	No	NA
This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date			

The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date			
Order Notification Start Date	Order Notification End Date	Status	Service Component
NA	NA	No	NA
This response reflects whether the individual or his/her unit has received early notification to report for active duty			

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty.

Michael V. Sorrento, Director  
 Department of Defense - Manpower Data Center  
 400 Gigling Rd.  
 Seaside, CA 93955

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. ? 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service. Service contact information can be found on the SCRA website's FAQ page (Q33) via this URL: <https://scra.dmdc.osd.mil/faq.xhtml#Q33>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. ? 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

## More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC ? 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC ? 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

## Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC ? 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

**WARNING:** This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Label Matrix for local noticing  
0104-3  
Case 16-03450-MCF13  
District of Puerto Rico  
Old San Juan  
Mon Aug 20 13:35:09 AST 2018

(p)JEFFERSON CAPITAL SYSTEMS LLC  
PO BOX 7999  
SAINT CLOUD MN 56302-7999

Quantum3 Group LLC as agent for  
MOMA Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

RELIABLE FINANCIAL SERVICES  
PO BOX 21382  
SAN JUAN, PR 00928-1382

US Bankruptcy Court District of P.R.  
Jose V Toledo Fed Bldg & US Courthouse  
300 Recinto Sur Street, Room 109  
San Juan, PR 00901-1964

Banco Popular de Puerto Rico  
Bankruptcy Department  
PO Box 366818  
San Juan, PR 00936-6818

Citibank/Radio Shack  
PO Box 790040  
Saint Louis, MO 63179-0040

Citibank/The Home Depot  
PO Box 790040  
Saint Louis, MO 63179-0040

Claro  
PO Box 360998  
San Juan, PR 00936-0998

FIRST BANK  
CONSUMER SERVICE CENTER  
BANKRUPTCY DIVISION (CODE 248)  
PO BOX 9146, SAN JUAN, PR 00908-0146

Firstbank Puerto Rico  
PO Box 9146  
San Juan, PR 00908-0146

Island Finance  
PO Box 71504  
San Juan, PR 00936-8604

MIDLAND FUNDING LLC  
PO Box 2011  
Warren, MI 48090-2011

SANTANDER FINANCIAL D/B/A ISLAND FINANCE  
PO BOX 195369  
SAN JUAN PR 00919-5369

Synch/hdfurn  
PO Box 965036  
Orlando, FL 32896-5036

Synchrony Bank/Home Design  
PO Box 103104  
Roswell, GA 30076-9104

Synchrony Bank/Walmart  
Bankruptcy  
PO Box 103104  
Roswell, GA 30076-9104

DIANA LIZ LAUREANO CORDOVA  
HC 70 BOX 25994  
SAN LORENZO, PR 00754-9617

JOSE RAMON CARRION MORALES  
PO BOX 9023884  
SAN JUAN, PR 00902-3884

MONSITA LECAROS ARRIBAS  
OFFICE OF THE US TRUSTEE (UST)  
OCHOA BUILDING  
500 TANCA STREET SUITE 301  
SAN JUAN, PR 00901

ROBERTO ARISTIDES FIGUEROA COLON  
FIGUEROA & SERRANO PSC  
PO BOX 1635  
GUAYNABO, PR 00970-1635

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Jefferson Capital Systems LLC  
PO Box 7999  
St Cloud, MN 56302-9617

(d)JEFFERSON CAPITAL SYSTEMS LLC  
PO Box 7999  
St Cloud MN 56302

(d)RELIABLE FINANCIAL SERVICES, INC.  
P.O. BOX 21382  
SAN JUAN, PR 00928-1382

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Quantum3 Group LLC as agent for  
MOMA Funding LLC  
PO Box 788  
Kirkland, WA 98083-0788

End of Label Matrix  
Mailable recipients 20  
Bypassed recipients 1  
Total 21